IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLANTE JURISDICTION

WRIT PETITION NO.3716 OF 2003

Pune Zilla Sahakari Dudh
Utpadak Sangh Ltd.,Pune ... Petitioner
V/s
Union of India,
New Delhi & Ors. ... Respondents

Dr. V.K. Chowdhari for petitioner
Mr. A. S.Rao for respondent No.1,
Mr.Vinay Sonpal,AGP for the State.

CORAM: S. RADHAKRISHNAN
AND
J.H.BHATIA, JJ.
DATE : 5TH JULY,2005.

P.C.

1. Heard the learned counsel for the petitioner, learned counsel for respondent No.1 and the learned AGP for the respondents No.2 and 3. Mr. Rao, learned counsel for the respondent No.1 has filed a reply. By this petition, the petitioner challenges the action of the respondent No. 1 through its Income Tax Department seeking to make recovery of tax dues with regard to 10% amount by the State Government as "commission".

2. We have perused a corrigendum dated 22.03.2002 issued by the Government of Maharashtra. It makes explicitly clear that the administrative and incidental expenses incrred for collection and handing

of milk by diary co-operative Societies and Taluka/Dist. Dairy Sangh is being reimbursed by the Government per liter of milk. Therefore, in the Government Resolution,Agricultural and ADF department MLK 1099/PK 321/ADF-8 dated 27th December,2000 which is under reference, wherever there is a wording saying 'Commission given to the Societies and Sanghs' should be read "Administrative and other incidental expenditure instead of Commission".

3. In view of above clarification, the learned counsel appearing on behalf of respondent No.1 makes his submission that no further recovery will be initiated or resorted to against the petitioner. The said statement is accepted.

4. In view of above said statement, the learned counsel appearing on behalf of the petitioner seeks leave to withdraw this petition with a liberty to adopt appropriate proceedings, if any. In view of above, petition stands withdrawn and dismissed with the aforesaid liberty.

S.RADHAKRISHNAN,J.

J.H.BHATIA,J.